

DARLINGTON BOROUGH COUNCILqws

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 June 2008

APPLICATION REF. NO: 06/00214/FUL (AMENDMENT)

STATUTORY DECISION DATE:

WARD/PARISH: EASTBOURNE

LOCATION: Darlington Football Stadium, Neasham Road,
Darlington, DL2 1DL

DESCRIPTION: Application to amend capacity restrictions in relation to football events (Draft Condition3) and the removal of Condition 8 (Section 278 Requirement), by letter of application dated 8 May 2008 including new planning obligation regarding Section 73 of the T & CPA to permit ancillary uses at Football Stadium and revised capacity constraints and off site highway works at Darlington Football Stadium, Neasham Road, Darlington.

APPLICANT: DARLINGTON FOOTBALL CLUB LIMITED

APPLICATION AND SITE DESCRIPTION

This application relates to the modification of an existing minded to approve application that was presented to Members in June 2006 relating to the permitting of ancillary uses at the football stadium Neasham Road Darlington (To include events such as the forthcoming Elton John concert), including revised capacity constraints and off site highway works at Darlington Football Stadium, Neasham Road, Darlington.

The application Ref 06/00214/FUL was also the subject of a section 106 legal agreement relating to a number of issues, which include:

- A management plan to set out those measures to be adopted in the event that a football event exceeds the agreed threshold of 6,000 or a non football sports use/non sports use exceeds the agreed threshold of 4,500
- The submission of a transport strategy to promote access to the site by means other than the private car and procedures for the monitoring and review of the strategy
- The submission of a noise management plan in respect of music events and the use of the existing public address system and arrangements for the regular review of such a plan
- Procedural arrangements for the submission of a calendar of events.
- The completion of a signing strategy for the stadium site.
- The submission of a car park management plan which seeks to ensure the most efficient use of the available car parking on site.

- Arrangements for the ongoing support of the study support centre provided as part of the original development.

The application still carries a minded to approve status as the 106 Legal Agreement has yet to be signed.

This application requests that members reconsider two conditions, which they resolved, should be attached to the permission, for the reasons set out below.

Condition 3 - The football sports activities shall be limited to a spectator capacity of 6,000 on Saturday and Sundays and 4,500 on weekdays unless written approval of the Local Planning Authority is agreed to an increase number in accordance with the management plan for exceptional events agreed under the terms of the attached 106 agreement.'

The background to this condition can be summarised as follows;

- The application requested that the capacity for weekend and weekday football matches be 6000
- This was reflected in the Committee Report in June 2006.
- Darlington FC Ltd needs to be able to have capacities of at least 5000 for weekday football events to comply with football league regulations. If the condition were granted as currently drafted it would mean they would be in breach of football league regulations.
- At the time when Members considered this matter in June 2008, the Highways Agency had concerns over the fact that a section 278 agreement covering improvements to the A66/Nesham Road Roundabout had not been completed and works were still outstanding. This agreement has now been signed to the satisfaction of all parties.
- The Highways Agency has now verbally confirmed that now this highways agreement has now been signed, they will agree to a capacity restriction for weekday football events being raised by 500 to 5000. It is anticipated that the formal agreement of the Highway Agency will be received by the Council shortly. An update on this matter will be reported verbally to Members at the meeting

Should the satisfactory agreement of the Highways Agency be received, Members are recommended to modify condition No 3 as stated above to increase capacity for weekday football events from 4,500 to 5,000.

Condition No 8 - Within three months of the date of the approval hereby granted, the applicant shall secure and implement the Section 278 highway works for the A66 (T) Neasham Road Roundabout, shown on the submitted approved plan drawing No 34476-HA278-002.

When this matter was last reported to Members in June 2006, it was a requirement of the Highways Agency as a result of the construction of the stadium to undertake works to the A66/Neasham Roundabout. The Football Club (albeit under different ownership) never entered into this section 278 agreement with the Highways Agency to secure the carrying out of these works. Consequently, when the application went to Planning Committee the condition as set out above was proposed to ensure that the works would be undertaken.

As indicated above Darlington FC Ltd has now agreed the terms of the Section 278 agreement. The agreement between the Football Club and the Highways Agency essentially provides that the Highways Agency will carry out the necessary works and that Darlington FC Ltd will pay for these works. The works are to be carried out during May/June of this year.

It is evident therefore as these works have now been secured and will be undertaken by the Agency there is no longer a need for this particular condition. Consequently it is recommended that it would be reasonable for Members remove this condition.

PLANNING HISTORY

The site has a lengthy planning history, the most recent and relevant of which is set out below:

99/00496/FUL – Construction of 25,000 capacity all seater stadium (EIA application).
GRANTED SUBJECT TO SECTION 106 AGREEMENT 18 September 2000.

01/00079/CONDIT – Variation of ref no 99/00496/FUL (construction of new football stadium) to provide new access to Neasham Road/A66 Roundabout, revised car parking and servicing arrangements, revised location of balancing pond and amended site boundary. GRANTED 18 April 2001.

01/00085/CONDIT – Variation of planning permission reference number 99/00496/FUL (construction of new football stadium) to alter design of main stand. GRANTED 26 March 2001.

02/00625/FUL – Variation of condition (5) of planning permission ref 99/00496/FUL to permit revisions to club shop, supporters bar, lounge bar and two restaurant units. GRANTED 26 September 2002.

03/01098/FUL – Use of stadium car park for holding of car boot fairs. GRANTED 21 January 2004.

03/01116/CU – Use of part of south stand concourse for nightclub (Use Class D2 – Assembly and Leisure) WITHDRAWN.

04/00939/CU – Use of part of stadium for B1 (Office Space) for the Independent Football Commission (IFC). WITHDRAWN.

06/00214/FUL – Application under Section 73 and Section 106B of the Town and Country Planning Act to vary planning conditions and Section 106 legal agreement of planning permission reference number 99/00496/FUL dated 15 June 2000 to permit ancillary uses at football stadium and revised capacity constraints and off site highway works. MINDED TO APPROVED SUBJECT TO SECTION 106 (not yet completed).

06/00728/CU – Change of use from office to physiotherapy treatment unit and exercise rehabilitation gymnasium. GRANTED 22 September 2006.

07/00587/FUL – Hybrid application for outline planning permission for 100 bed hotel, 4 no. restaurants, 1 no. public house, 1 no. farm shop and café, 929 sq m office block, educational building with internal leisure facilities, new car parking layout and internal access provision and detailed planning permission for 5 no. training pitches (1 with floodlighting and 2 with all weather multi-surface pitches to act as relief car parking), 10 no. indoor six-a-side pitches, Darlington FC training building, infrastructure, access and car parking and increased area and volume balancing pond. WITHDRAWN 11 October 2007.

07/01124/FUL - Hybrid application for outline planning permission for a 100 bed hotel, 1 No. public house, 1 No. coffee shop, 929 m2 office block ancillary to the Football Club, educational

building with internal leisure facilities, football academy, new car parking and internal access provision. Full planning permission for 3 No. training pitches (1 floodlit all weather artificial turf pitches to act as relief car parking), 10 No. indoor six a side pitches, Darlington FC training building, infrastructure, access + car parking and an increased area + volume balancing pond (amended car parking management statement and additional transport assessment plus addendum to transport assessment received 14 December 2007 and amended supplementary environmental information received 24 December 2007) (amended description, amended plans, amended design and access statement, amended impact assessment and needs analysis, amended supplementary environmental information and amended floodlighting information received 21 December 2007, additional information received 29 January and 11 February 2008), (amended description 20 March 2008). GRANTED APRIL 08 (SUBJECT TO SECTION 106 AGREEMENT)

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

This application seeks to modify condition No 3 and remove condition No 8 of minded to approve application reference 06/00214/FUL. Should Members agree to these changes it will enable the Football Club to sign the associated 106 Agreement which sets out the requirements the Club must undertake to stage exceptional events such as the forthcoming Elton John concert and to continue to meet the requirements of the Football League in terms of staging football matches.

RECOMMENDATION

THAT THE APPLICATION TO AMEND CAPACITY RESTRICTIONS IN RELATION TO FOOTBALL EVENTS (CONDITION 3) AND THE REMOVAL OF CONDITION NO 8 (SECTION 278 AGREEMENT)) OF PLANNING REFERENCE 06/00214/FUL AS SET OUT IN LETTER OF APPLICATION DATED 8 MAY 2008 INCLUDING NEW PLANNING OBLIGATION BE GRANTED.